

IN THE JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE

ORDER AMENDING JUSTICE OF THE §
PEACE COURT CIVIL RULE 77 AND §
JUSTICE OF THE PEACE COURT §
CRIMINAL RULE 58 §

ORDER

This 28th day of September 2007, it appears to the Court that it is desirable to amend Justice of the Peace Court Civil Rule 77 and Justice of the Peace Court Criminal Rule 58.

NOW, THEREFORE, IT IS ORDERED THAT, the following amendments shall be effective October 15, 2007:

(1) Amend Justice of the Peace Court Civil Rule 77(h) by redesignating existing subparagraphs (4) and (5) as subparagraphs (5) and (6) and inserting a new subparagraph (4) to read as follows:

(4) *Court Security Fund Assessment.* In addition to any other amounts assessed as costs by any other statute, rule, or law, the clerk shall collect, on the filing of every complaint and praecipe under Justice of the Peace Court Civil Rule 3 or other initial filing as provided for by statute or rule, an assessment for the Court Security Fund established by 10 *Del. C.* § 8505 (b). The amount of this assessment shall be determined as follows:

Landlord-Tenant Claims involving possession	\$10.00
Distress for Rent Claims	\$10.00

Debt Claims (including Landlord-Tenant claims seeking only money damages) or Trespass Claims where the amount in controversy exceeds \$5,000	\$10.00
Debt Claims (including Landlord-Tenant claims seeking only money damages) or Trespass Claims where the amount in controversy equals or is between \$1,000-5,000	\$5.00
Replevin Claims	\$5.00
Garagemen Lien Claims	\$7.00
Abandoned Property Claims	\$10.00

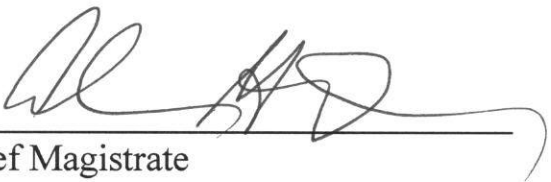
For those filings in which the Court has approved an application to proceed *in forma pauperis*, the assessment under this Rule shall be collected as a fee or cost as set out in Justice of the Peace Court Civil Rule 112. Assessments paid pursuant to this Rule shall constitute a cost for the purpose of Justice of the Peace Civil Rule 54. The amounts collected under this Rule shall be deposited into a separate account known as the "Court Security Assessment Fund."

(2) Amend Justice of the Peace Court Criminal Rule 58 by inserting a new subparagraph (c) to read as follows:

(c) *Court Security Fund Assessment.* In addition to any other amounts assessed as fees or costs by any other statute, rule, or law, the clerk shall collect from the defendant, on each traffic or criminal charge for which there is a conviction, or a finding or an admission of responsibility for an infraction for which a civil penalty may be assessed, an amount equal to \$ 10.00 as an assessment for the Court Security Fund established by 10 *Del. C.* § 8505 (b). The amounts

collected under this paragraph shall be deposited into a separate account known as the "Court Security Assessment Fund."

BY THE COURT:



Chief Magistrate